

<p>2021 Indiana Election Law Update</p>	
<p>Brad King Republican Co-Director of the Indiana Election Division</p>	

1

<h2>Republican Election Division Staff</h2>			
<p>Co-General Counsel Valerie Warycha</p>	<p>Campaign Finance Michelle Thompson</p>	<p>Data Scientist Lori Clark</p>	<p>Executive Assistant Joe McClain</p>

2

2

<p>3</p>	<h1>Overview</h1>	<ol style="list-style-type: none">1. 2021 session of Indiana General Assembly considered many election-related bills; several became law.2. A few provisions have already taken effect, but most will be effective July 1, 2021.3. Some, although effective July 1, require implementation by the state and counties over next several months and will probably be refined in future sessions.4. Legislature will return to adopt redistricting bills (probably this October).
		

3

<h1>Headliners</h1>		
<ol style="list-style-type: none">1. Absentee Voting and Provisional Voting2. Ballot Design and Processing3. Candidates and Electioneering4. Election Procedures and Voting Systems5. Precincts and Redistricting		

4

4

Absentee Voting

APPLICATION FORMS AND ENVELOPES; ABSENTEE BOARDS

1. **Online Applications in SVRS Must Include Applicant Telephone Number or Optional Email Contact Information**
2. **Limits on Advance Bipartisan Initialing and Custody of Mailed Absentees**
3. **Military and Overseas Voters will apply on Federal Form only**
4. **Envelopes: Absentee Ballots Sent by Nonforwardable Mail**
5. **CEB Can Permit 16 and 17 Year Old Students to be Absentee Board Member**

5

5

Absentee Voting

PROVIDING AND RETURNING BALLOTS

1. **Family Members Can Return Voter's Ballot, Not Just Household Member**
2. **Voter Can Surrender Ballot at Clerk's Office or Vote Center and Request Replacement**
3. **In Primary, Voter Cannot Request Replacement Ballot of Other Party**
4. **Unsupervised Drop Boxes Prohibited; Ballot Rejected and Voters Notified if Ballot Deposited.
Required Notice at "Generic" Drop Boxes**
5. **Bipartisan Absentee Voter Board Can Cast Absentee Ballot Not Cast by Voter, Similar to Current
Election Day Procedures**

6

6

Absentee Voting

PROVIDING AND RETURNING BALLOTS

1. **Deadline to Receive Absentee Ballots Extended to 6 pm Election Day; Paper Poll List Counties Must Wait Until 6 pm to Process Absentee Ballot Received After Noon**
2. **Traveling Board, with Unanimous CEB Approval, Can Bring Application and Ballot to Confined Voter in One Trip, Can Use Epollbook to Confirm Person's Registration**
3. **Requires that Absentee Voting Locations (Including Clerk's Office) Meet Federal Accessibility Requirements Under the ADA; Permits Use of Temporary Measures.**
4. **CEB Can Authorize Emergency Delivery of Absentee Ballots By Travel Boards After Usual Deadline if Emergency Declared by Governor or County**

7

7

Absentee Voting

PROCESSING APPLICATIONS AND RETURNED BALLOTS

1. **County Must Notify Applicant of Denial of Any Absentee Ballot Application**
2. **Mismatched Signatures on Absentee Envelope and Affidavit Can Be Cured; Not Automatically Rejected; Treated Same as Provisional Ballot**
3. **Voter Notified by County of Mismatch Cure Procedure; Can File Affidavit (new form) with County Election Board by Noon 8 Days After Election**
4. **Refined Procedures for Conducting the First & Second Signature Review of Absentee Ballots**
5. **Clarified the Start of the Central Count of Absentee Ballots on Election Day**
6. **Any County Can Use Letter Opening Machine for Absentee Ballot Envelopes**

8

8

Absentee Voting

NOTICE TO VOTERS

1. **County Must Provide Oral and Written Notice to In-Person Absentee Voters Who Do Not Provide Photo ID Before Election Day Regarding Actions Voter Must Take to Have Ballot Counted, Contact Information for CEB, and Info Regarding CEB Hearing Process.**
2. **Same Notice Requirement for Certain Absentee Voters Who Fail to Provide Proof of Indiana Residence Before Election Day.**

9

9

Absentee Voting

VOTERS WITH PRINT DISABILITIES

1. **Defined as Voter with Disabilities Like Blindness, Vision Impairment, or Physical Disability Affecting Manual Dexterity**
2. **Voter May Use Email, Fax, or Website to Request Voter Registration or Absentee Ballot Application.**
3. **Voter Can Use Marking Device to Produce Optical Scan Ballot or Electronic Voting System Ballot Before Traveling Board OR by Using Email and Fax Procedures Currently Available for Military and Overseas Voters.**
4. **Secretary of State to Update Voter Portal on Indianavoters.com to Determine if Absentee Ballot Received by CEB**

10

10

Ballot Design and Processing

1. Each Optical Scan Ballot Card Must Have Precinct Designation
2. Candidates for At Large Office Listed First Before District Office Candidates (when both offices are on the ballot) in the General Election
3. Quotation Marks Not Printed on Ballot For Public Questions
4. Requires Entry of All Candidate Filing Information into SVRS (including precinct committeemen and state convention delegates)
5. Requires CEB to Offer Review of Ballot Proofs to Political Parties and School Corporations
6. Public Testing Required For At Least 3 Different Precincts, and Must Include Disability and Canvassing Tests
7. Ballot Scanning, But Not Tabulation, Permitted 7 Days Before Election
8. Optional Procedure for Epollbook Counties to Process, But Not Tabulate, Absentee Ballots 3 Days Before Election

11

11

Candidates and Electioneering

CANDIDATE REQUIREMENTS

1. County Chairman Certificate of Party Affiliation Required if Candidate Did Not Vote in the Indiana's Party's Primary for the Last Two Primaries the Candidate Voted In (Instead of Vote in Most Recent Primary in Indiana)
2. County Chairman Certification Required if Candidate Asked for Non-Partisan Ballot (Such as "Public Question Only" Ballot) at Last Primary
3. Candidate Post-Primary Vacancy Must Be Filled by Noon, July 3 (not June 30); Paperwork Filing Deadline Remains Noon, July 3
4. Unopposed Candidate For Municipal, Township, or School Board Office Can Serve as Absentee Ballot Counter.

12

12

Candidates and Electioneering

ELECTIONEERING

1. **Limits Definition of “Electioneering” to Displaying Name or Likeness of Candidate or Current Elected Official Within Polls or Chute or Support or Opposition for a Local Public Question**
2. **Extends Prohibition Against Electioneering to In-Person Voting Before Election Day Within 50 Feet of County Clerk’s Office or Satellite Office/Vote Center**

13

13

Election Procedures and Voting Equipment

ELECTION PROCEDURES

1. **Legal Notice of Election Must be Published Not Later Than 21 Days Before Election, With Information of Dates, Times, and Locations of In Person Absentee Voting**
2. **Private Funding of Elections Prohibited**
3. **Schools Used as Polling Location May Conduct Virtual Instruction Day for Students**
4. **Law Enforcement Officer Can Enter Polls at Request of Precinct Officer in Case of Violation of Law (such as Criminal Trespass) or Breach of Peace**
5. **Watcher to Report Election Law Violation to Inspector, CEB, or Prosecutor**

14

14

Election Procedures and Voting Equipment

ELECTION PROCEDURES

1. Expanded Role for 16-and 17-Year-Old Poll Workers; Can Serve as Certain Election Officers on or Before Election Day; Assist Election Officers; Assist in Absentee Ballot Preparation; Fill Precinct Election Board Vacancy
2. Increased Time Permitted for Voter to Cast Ballot While in Voting Booth
3. U.S. Citizenship Required for Person to Enter into Polls on Election Day
4. Voter Challenged at Polls Must Be Provided with Oral and Written Instructions Advising What Actions Voter Can Take to Have Provisional Ballot Counted (in Addition to Notice Transmitted to Voter by Circuit Court Clerk)
5. Not Later than 3 Days After Election Day, Clerk Must Notify Each Provisional Ballot Voter of Reasons for Challenge to Ballot, Actions Voter May Take to Have Ballot Counted; Deadlines for Taking Actions; and Contact Info for CEB

15

15

Election Procedures and Voting Equipment

ELECTION PROCEDURES

1. Requires CEB to Enter Unofficial Election Results into SVRS on Election Night and to Use SVRS to Submit Post-Election Reports
2. Requires Documentation of Return of Voting Systems From Election Day Polling Locations
3. Permits Use of "Electronic Adjudication" of Scanned Ballot Images by CEB to Determine Voter Intent

16

16

Election Procedures and Voting Equipment

VOTING EQUIPMENT

1. Establishes Minimum Requirements for Information and Instructions Included on Certain Optical Scan Ballot Marking Devices or Displayed on Voter Verifiable Paper Audit Trail (VVPAT)
2. Requires Additional Information Concerning County Disposal of Voting Systems
3. County Required to Preserve Data on ePollBook or Dedicated Private Server for 22 Months After Election
4. Voting System Components Not Permitted to be Connected to Internet (note: Does Not Apply to ePollbooks; However, ePollbooks cannot have apps or web browsers that would allow a person to connect wirelessly via unsecured connection)

17

17

Precincts and Redistricting

PRECINCTS

1. Precincts with Less Than 600 Active Voters Can Be Created to Avoid Split Precincts
2. Procedure in 2021 to Resolve Discrepancies Between Precinct Boundaries According to US Census Data and SVRS Data (important for Redistricting)

18

18

Thank You

Brad King
317-233-0929
bking@iec.in.gov
in.gov/sos

